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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,101	05/08/2001	Alan Cushway	017. 39626X00	9587

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EXAMINER

BEAMER, TEMICA M

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



<b>Office Action Summary</b>	<b>Application No.</b> 09/850,101	<b>Applicant(s)</b> CUSHWAY, ALAN	
	<b>Examiner</b> Temica M. Beamer	<b>Art Unit</b> 2681	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-54 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                              |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                                             | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/24/04</u> . | 6) <input type="checkbox"/> Other: _____                                                |



## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-54 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16, 18, 20, 23, 25, 27-43, 45 and 47-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littig et al (Littig), U.S. Patent No. 5,524,276.

Regarding claims 1, 28, 49 and 52, Littig discloses a grapevine driven updating method comprising providing a first piece of updated data to a first mobile terminal (universal radio) (col. 4, lines 39-67) and forwarding the first updated piece of data from the first mobile terminal to a second mobile terminal (the repaired or replacement radio) via the communication link (col. 5, lines 1-11; figures 4A-4C).

Littig, however, fails to specifically disclose initiating an inquiry from the first mobile terminal to a second mobile terminal via a communication link, the inquiry asking the second mobile terminal whether it wishes to receive the first updated piece of data; forwarding a response from the second mobile terminal to the first mobile terminal via



the communication link in response to the inquiry from the first mobile terminal, the response acknowledging that it wishes to receive the first updated piece of data.

Littig does teach an inquiry and response method wherein the inquiry comes from the second terminal and the response comes from the first terminal (col. 8, line 33-col. 9, line 23).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Littig with the first terminal sends an inquiry and the second terminal sends a response, as such a reversal of features would only require routine skill in the art.

Regarding claims 2, 3, 29, 30, 50, 51, 53 and 54, they are rejected for the same reasons as set forth in claims 1, 28, 49 and 52 specifically because teaches the foundation of mobile terminals capable of downloading information between them with the use of inquiry/response messages (col. 4, lines 39-67, col. 5, lines 1-11 and col. 8, line 33-col. 9, line 23).

Regarding claims 4-15 and 31-42, Littig discloses the methods of claims 1 and 28 as described above. Littig, however, fails to disclose wherein the communication link between the mobile terminals are of the wireless type as described in claims 4-15 and 31-42. Littig rather discloses wherein the communication link is a data bus/RS232 interface (col. 4, lines 17-38).

The examiner contends, however, that it is well known in the art for mobile terminals to communicate information between each other wirelessly using methods described in claims 4-15 and 31-42, and the examiner takes official notice as such.



Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the wire connection in Littig with wireless connectivity between the wireless devices for the transmission of data, as such feature would reduce cable connections.

Regarding claims 16, 18, 20, 43, 45 and 47, Littig as modified discloses the method of claims 1 and 28, wherein initiating an inquiry comprises forwarding an inquiry via the communication link upon detection of another mobile terminal being connected to the communication link (col. 6, line 64-col. 7, line 6).

4. Claims 17, 19, 21, 44, 46 and 48 rejected under 35 U.S.C. 103(a) as being unpatentable over Littig in view of Raith, U.S. Patent No. 6,493,550.

Regarding claims 17, 19, 21, 44, 46 and 48, Littig as modified fails to disclose initiating an inquiry comprises forwarding an inquiry via the communication link at preset time intervals.

In a similar field of endeavor, Raith discloses system proximity detection by mobile stations and further discloses initiating an inquiry comprises forwarding an inquiry via the communication Link at preset time intervals (column 7, lines 1-3 and 9-11, note "continuously for e.g. every few seconds" reads on "preset time interval"). Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art, to modify the Littig with the above teachings of Raith, in order to forward an inquiry via the communication link at preset time intervals (as suggested by Raith - column 7, lines 1-3).



5. Claims 22, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littig in view of Ereksen, U.S. Patent No. 6,622,018.

Regarding claims 22, 24 and 26, Littig as modified fails to disclose forwarding a response comprises automatically forwarding a response upon receipt of the inquiry.

In a similar field of endeavor, Ereksen discloses a portable device control console with wireless connection. Ereksen further discloses forwarding a response comprising automatically forwarding a response upon receipt of the inquiry (column 8, lines 38-41, note broadcast message is an inquiry for which see column 8, line 35).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art, to modify Littig with the above teachings of Ereksen, in order to have the additional option of automatically responding to an inquiry.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Turner, U.S. Patent No. 6,041,229.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

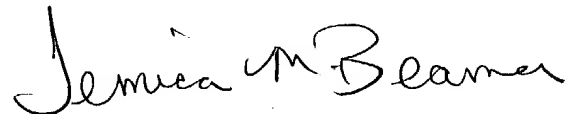


Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Beamer  
Examiner  
Art Unit 2681

October 1, 2004

A handwritten signature in black ink that reads "Temica M. Beamer". The signature is written in a cursive style with a large, stylized initial "T" and "B".